

FIRST MINISTERS' MEETING

February 14, 2022

Minister Lametti's Remarks:

- Prime Minister, Premiers, it is an honour for me to join you this morning. As PM said, we are considering invoking federal *Emergencies Act* as it pertains to the ongoing protests in Ottawa and elsewhere in Canada.
- We would not be replacing PT powers. This would add to the powers your police forces can use. These measures cannot supersede your authority to direct your police forces. Our intent is to assist in bringing an end to the illegal activities.
- Before measures can be taken under the *Emergencies Act*, we must be in the presence of national emergency.
- For a situation to be qualified as a *national emergency*, three conditions must be met: (s.3)
 - First we must be in a situation that either:
 - (a) seriously endangers the lives, health or safety of Canadians and is of such proportions or nature as to exceed the capacity or authority of a province to deal with it, or
 - (b) seriously threatens the ability of the Government of Canada to preserve the sovereignty, security and territorial integrity of Canada; and
 - Second, the provinces and territories' capacity to handle the situation must be considered insufficient or showing gaps; and
 - And third, we must conclude that the situation cannot be handled adequately under any other Act of Canada, including those of the provinces and territories.
- These conditions demonstrate that the federal *Emergencies Act* is to be used sparingly, as a last resort.
- Once an emergency has been declared, the *Emergencies Act* permits orders or regulations (s.19) to be made in a wide range, albeit specifically enumerated areas, as necessary for dealing with the emergency.

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- However, it is important to note that the *Emergencies Act* does not require that all available powers be used. An emergency could be declared, and the federal government might choose to invoke only a few of the listed powers. In addition, during the emergency, we can add additional orders to address emerging threats, such as at other border ports of entry.

Safeguards

- There are a number of significant limits, checks and safeguards that are built into the Act, and we will respect all of them.
 - Section 25 requires consultations with you. There have already been discussions with ministers of different provinces. This session will also form part of the consultations under the Act should we choose to invoke it.
 - Tactics being deployed continue to present challenges for law enforcement. These federal measures will complement yours.
 - Measures will be limited in time. If they have to be renewed we will consult you once again. Hope it won't be necessary. Targeted measures will address urgent needs while protecting democracy. Need to inspire confidence in public institutions. Necessary for public order.

Measures

- Our conversations with you and municipal leaders have led us to believe that the following six measures are needed to bring this matter under control:
 - Regulation and prohibition of public assemblies that lead to a breach of the peace and go beyond lawful protest. What we are seeing in Ottawa and at the Ambassador Bridge are not lawful protests;
 - Designating and securing places where blockades are to be prohibited (this could include borders, approaches to borders, other critical infrastructure, Ottawa);
 - Directing persons to render essential services to relieve impacts of blockades on Canada's economy (this could include tow trucks and their drivers, for compensation);
 - Authorizing or directing financial institutions to render essential services to relieve impact of blockades, including regulating and prohibiting the use of property to fund or support the blockades ;
 - Measures enabling the RCMP to enforce municipal by laws and provincial offences where required – giving all police officers the same powers to uphold laws in a given area; and
 - The imposition of fines of imprisonment for contravention of any order or regulation made under section 19 of the *Emergencies Act*.
- The Declaration is in effect for 30 days unless it is revoked by the Parliament or the GiC.

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- As I noted earlier, the GiC can extend the declaration for an additional 30 days but must consult again with all of you before doing so. The extension is also subject to confirmation in Parliament.

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